

Remarks

Claims 1-5 and 7-18 are pending and rejected. Claims 1, 17 and 18 have been amended with the entry of this amendment.

REJECTIONS UNDER 35 U.S.C.103(a)

Claims 1-5, 8 and 11-18 stand improperly rejected under 103(a) as being unpatentable over Tayloe (Tayloe et al., U.S. Patent No. 5,095,500) in view of (Manabe, Shinichi; US. Patent No. 5,423,067 A) and further in view of Sheffield (Sheffield, John P.; U.S. Patent No. 6,603,966 B1).

Claims 1, 17 and 18 as amended recite gathering “uplink received signal strength data”.

The disclosure of Tayloe is directed to evaluating the radio coverage of a geographic area serviced by base stations from the perspective of the mobile appliances.

Tayloe states:

“The base station monitors the signal quality of this call and collects information relevant to the communications system’s actual performance from the mobile unit’s perspective” Col. 2, ll. 52-55

“Each mobile unit is therefore designed to measure the signal strength and the signal quality of transmissions from the serving and adjacent base stations, and to report this data to the serving base station.” Col. 4, ll. 8-11

“As previously mentioned , each mobile unit is designed to measure the signal strength and the signal quality of the calls transmitted by the servicing and adjacent base station, and to report this data to the servicing base station. Monitoring is then typically a base station function which comprises collecting and correlating the received the received signal strength and signal quality data...” Col. 4, ll.28-35

“As a function of these actual measurements, the evaluation tool is capable of providing a computer generated representation of the characteristics of the electromagnetic coverage.” Col 5, ll.44-47

The received signal strength and signal quality measured in Tayloe are that of the downlink signal (the signals transmitted from the base station and received at the mobile unit). These are used to determine the electromagnetic coverage of the network of base stations. There is no disclosure of gathering **uplink** received signal strength data in Tayloe. Therefore, the rejection is improper and must be withdrawn.

Additionally, Manabe does nothing to obviate the deficiencies of Tayloe with respect the gathering uplink received signal strength, as Manabe is directed to timing control to established synchronization.

The Offices addition of Sheffield to provide a teaching of using a time stamp of the data in order to save the data for further analysis does not save the rejection from Tayloe's deficiency.

The rejection based on Tayloe cannot stand, as Tayloe does not disclose gathering uplink received signal strength data.

The combination of Tayloe, Manabe and Sheffield, alone or in combination, as applied by the Office do not disclose, teach or suggest all of the limitations of Claims 1, 17 and 18. The rejection must be withdrawn.

Similarly, the rejection of claims 2-5, 8, 11-16 is improper as they depend from Claim 1, irrespective of any additional patentable subject matter recited therein.

Claims 7 and 9-10 stand improperly rejected under 35 U.S.C. 103(a) as being unpatentable over Tayloe in view of Manabe and Sheffield, and further in view of Montoya (Montoya, Alexander John; U.S. Patent No. 6,400,943).

Montoya does nothing to obviate the deficiencies of Tayloe, Manabe and Sheffield as described above with respect to Claim 1. Therefore, the rejection of Claims 7, 9-10 which depend from Claim 1 are likewise improper. The rejection must be withdrawn.

Conclusion

The Applicant has demonstrated that Tayloe taken in view of Manabe further in view of Sheffield does not render obvious claims 1-5, 8, and 11-18, and that the further combination with Montoya does not render obvious claims 7, 9-10.

Applicant respectfully submits that the claims are in condition for allowance. A notice to this effect is respectfully requested.

Although an extension of time is not deemed necessary at this time to maintain the instant application pending, the Office is requested and hereby authorized to charge any required extension-of-time fees against Deposit Account Number 04-1679 to Duane Morris LLP.

If any point remains that is deemed best resolved through a telephonic conversation, the Office is hereby requested to contact the undersigned directly.

Respectfully submitted,



Mark C. Comtois Reg. No. 46,285

DUANE MORRIS LLP
1667 K Street N.W., Suite 700
Washington, D.C. 20006-1608
Telephone: (202) 776-7800
Telecopier: (202) 776-7801

Dated: July 30, 2007